

REMARKS

I. Status of the Claims

Claims 1-50 are currently pending in this application. By this Amendment, new claims 51-53 have been added. These newly added claims are supported by page 8, lines 19-23 of the specification. No new matter has been introduced by this Amendment. Entry and consideration of this Amendment are respectfully requested.

Upon entry of this Amendment, claims 1-53 would be pending.

II. Rejections under 35 U.S.C. §103

Claims 1-50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Acosta et al. (U.S. Patent No. 6,166,729) in view of Logan et al. (U.S. Patent No. 5,732,216). Applicants respectfully traverse the rejection of these claims, for the reasons set forth below.

Claim 1 is directed to an image down-loading apparatus capable of down-loading an image to a plurality of clients via internet. The apparatus includes (1) a switch adapted to switch between a first output device which outputs an image and a second output device which outputs an advertisement that is different from an image picked up by a connected camera; and (2) a switch controller adapted to control the switch. The switch controller controls the switch so as to select the second output device for a first predetermined period after the first output device is selected for a second predetermined period, such that the advertisement is inserted into the image output from the first output device.

In other words, as claimed, insertion of advertisement from the second output device into the image output from the first output device is performed vis-à-vis a switching operation between the first and second output devices.

On the contrary, although COVMS 16 of Acosta receives images from different cameras, the COVMS 16 processes the images and then transfers them to the storage facility for archive, to the World Wide Web 18, and to dedicated connections with the COVMS 16 of certain users, if any. There is nothing in Acosta which discloses or suggests any “insertion” of output, for example, from one camera to the output of another camera vis-à-vis a switching operation between two camera outputs. Thus, Acosta is silent as to the above-identified insertion approach vis-à-vis a switching operation between the first and second output devices. Logan does not remedy these deficiencies in Acosta. Logan simply discusses modification of a schedule of a program (e.g., playlist) so that the program may be played back with the advertisement segments by a player at the client. Thus, Acosta and Logan, individually or in combination, do not disclose or suggest the claimed insertion approach or, more specifically, the claimed insertion of advertisement vis-à-vis a switching operation between the first and second output devices.

Further, the Examiner’s response to Applicants’ prior arguments still does not address where the claimed insertion vis-à-vis a switching operation between two output devices is taught by the references or where the teachings for such a modification is found in the references themselves. In response to Applicants’ arguments, the Examiner appears to assert that Acosta and Logan both deal with the downloading of information and the combination of the references would teach the downloading of images and other information such as advertisement by switching to different data sources via the COVMS of Acosta. In particular, the Examiner states:

Since Acosta discloses commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Logan's teaching technique in providing add or advertisements or commercial messages to users/clients, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Acosta's system with Logan's disclosed technique in order to offer an advertisement which is different from an image picked a connected camera (taught by Acosta) to users as means for targeting clients/users as suggested by Logan (col. 24/line 35 to col. 28/line 10). The switch of Acosta would have performed as disclosed for switching to appropriate server sources because Acosta clearly discloses that the COVMS 16 acts as a switch in connecting and delivering images and information data from the World Wide Web between the user and provider networks (col. 8/lines 1-34). (Office Action, pages 15-16).

However, the mere capability of downloading information from different sources to a user or web server via the COVMS still does not teach or suggest any "insertion" of data, such as advertising, from one output device into image output from another output device vis-à-vis a switching operation between the output devices. The Examiner has not addressed the claimed "insertion" feature which sufficient particularity.

Furthermore, the Examiner's motivational basis is based on a flawed assertion, namely that Acosta clearly suggests or teaches including the delivery of advertisements by commercial provider networks 64 and Acosta discloses commercial network providers 64 for providing services to clients. See Office Action, page 15. The commercial provider networks 64 are simply third-party communication networks which facilitate data communications between the cameras 12 and the COVMS. See Col. 8, lines 1-5. Acosta is simply silent as to these networks 64 delivering any advertisements or controlling the type of content delivered in the Acosta system, as they are only a medium by which images are sent from the cameras 12 to the COVMS.

Moreover, the Examiner's motivational basis for combining the references, namely, in order to offer an advertisement which is different from an image from a camera to users as means for targeting clients/users, is simply the subjective conclusion of the Examiner

based on a piece-meal reading of the references and not on any actual teachings of the references.

In view of these arguments and those previously submitted with the prior Request for Reconsideration, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination. For similar reasons, claims 13, 28 and 43 and their dependent claims are also believed to be distinguishable over the cited references, individually or in combination.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-53 and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

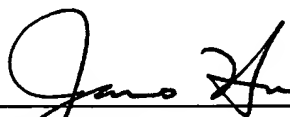
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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